

The Correctional Association of New York

FOUNDED 1844

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Legislative Agenda for 2005-06

Prison Visiting Project

► **A.3926 (Aubry)/S.2207 (Nozzolio)** – This legislation would end the placement of inmates with mental illness on 23 hour lockdown in Special Housing Units (SHUs) and require their placement in residential mental health treatment programs. It would also provide correction officers with additional training in working safely with inmates with mental illness. Inmates with mental illness are disproportionately represented in SHUs, comprising 19% of the SHU population and only 11% of New York’s total inmate population.

Status: The Assembly bill unanimously passed in the 2005 session. The Senate bill was referred to the Crime Victims, Crime and Correction Committee, of which Senator Nozzolio, the bill’s sponsor, is chair. The Senate and Assembly versions are identical.

► **A.3544 (Gottfried)** – This legislation would require the Department of Health annually to review the policies and practices concerning HIV and Hepatitis C (HCV) care at state prisons and local jails. The public must be informed when these reviews will occur and be afforded an opportunity to provide DOH with information about the facilities being evaluated. If DOH determines in its public report that the care at a facility does not meet generally accepted medical standards of care, the correctional authorities must prepare and implement a corrective plan, which must be monitored by DOH.

Status: This bill passed the Assembly in the 2005 session. There currently is no Senate bill, but advocates are actively seeking a Senate sponsor.

► **A.3586 (Gottfried) and S.2819 (Duane)** – This legislation would amend the definition of “hospital” in Article 28 of the Public Health Law to include correctional health facilities. The effect of the legislation would be to give the Department of Health (DOH) oversight of local and state correctional health facilities. While prison health facilities provide patient care, they have been exempt from DOH standards and oversight. This legislation would ensure that inmates receive a uniform standard of care consistent with community standards as is required by DOH in all other state health facilities.

Status: The Assembly bill was approved by the Assembly Health and Ways and Means Committees and was referred to the Rules Committee. The Senate bill, which is similar but not identical to the Assembly bill, was before the Senate Health Committee at the end of the 2005 session.

► **A.3720 (Gottfried) and S.3048 (Duane)** – This legislation would require every correctional facility to implement STD, HIV and HCV education and prevention programs, including the distribution of prophylactics. By implementing these programs, which have been effective in select New York State jails and in correctional facilities in other states, New York can help stop the spread of HIV, HCV and other STDs to inmates, their families and others with whom they come in contact.

Status: Assembly Bill was before the Assembly Corrections Committee at the end of the 2005 session. Senate Bill is similar to the Assembly bill but does not refer to Hepatitis C and was before the Senate Crime and Corrections Committee at the close of the session.

Juvenile Justice Project

► **A.5697/S.4423 The Safe Harbor for Sexually Exploited Youth Act**, stops the prosecution and imprisonment of sexually exploited youth under the age of 18 and creates a range of community-based programs such as community outreach, preventive services, short-term safe houses, and long-term housing. This bi-partisan bill is sponsored by Assembly Member William Scarborough, Chair of the Assembly Children and Families Committee, and Senator Dale Volker, Chair of the Senate Codes Committee.

Status: The Assembly Children and Families Committee held a legislative roundtable on this bill on April 12, 2005. The bill passed through the Assembly Children and Families Committee and the Senate Social Services Committee and has been referred to the Codes committees of both houses. The bill has received widespread press coverage including pieces in the *Albany Times Union*, *The Legislative Gazette*, *New York Sun*, *The New York Times*, and the *Dan Abrams Show* on CNBC.

► **A.6334 The Office of the Child Advocate Bill**, sponsored by Assemblywoman Barbara Clark, creates an independent state office with broad inspection and subpoena powers to oversee all juvenile justice and foster care facilities.

Status: The Assembly Children and Families Committee held a public hearing on this bill on May 12, 2005. **The bill passed the full Assembly on June 20, 2005.**

► **A.6502 The SAFETY (Safe, Fair and Equal Treatment for Youth) Act**, sponsored by Assemblyman Scarborough, prohibits discrimination in Office of Children and Family Services (OCFS) facilities including harassment based on sexual orientation or gender identity, and requires training be provided to OCFS staff to raise awareness and enable them to respond to incidents of harassment appropriately.

Status: This bill passed the Children and Families Committee on April 5, 2005 and has been referred to the Codes Committee.

► **RE-DIRECT NEW YORK (no bill number yet)**

This proposal would create fiscal incentives for counties to shift spending from youth detention to community-based alternatives to jail for youth facing delinquency charges. Currently, New York State reimburses counties 50% of the cost for running their detention centers and offers no reimbursements for alternative programs. The plan would allow localities to use state detention reimbursements for community-based alternatives and offer a higher rate of reimbursement for these programs.

Public Policy Project/Drop the Rock

► **A.6796 Rockefeller Drug Law Repeal – Sponsored by Assemblymember Jeffrion Aubry and 40 or so other legislators.** This bill restores sentencing discretion to judges in all drug cases, and makes sentencing reform retroactive for all inmates convicted of drug offenses, who can then petition the courts for review of their sentences.

Status: Referred to Codes Committee, March 23, 2005

Women in Prison Project

► **A.8173 Program Parity Bill**

Sponsored by Assemblymember Helene Weinstein, Chair of the Committee on the Judiciary. This bill requires that rehabilitation programs for female inmates in state correctional facilities be equivalent to those provided to male inmates. The New York State Department of Correctional Services (DOCS) offers over 30 different vocational programs in male correctional facilities, and only eleven such programs at women's facilities.

Status: This bill passed the Assembly, and was delivered to Senate and referred to the Rules Committee on 06/23/2005.

► **A.3924 Transitional Medicaid Bill**

Sponsored by Assemblymember Jeffrion Aubry, Chair of the Committee on Correction. This bill requires each state correctional facility to ensure that an application for Medicaid is filed for each inmate not less than 90 days prior to the inmate's release, and requires each local correctional facility to ensure such an application is filed, within 7 days commitment, for each inmate sentenced to confinement for more than 30 days. This bill would allow inmates to access critical healthcare services immediately upon their release. Currently, inmates cannot file Medicaid applications on their own behalf and must wait 45 to 90 days for their applications to be processed after their release.

Status: This bill was reported out of the Committee on Correction and referred to the Assembly Ways and Means Committee on 05/18/2005.

► **A.8024/S.5124 Merit Time for Domestic Violence Survivors Bill**

Sponsored by Senator Dale Volker, Chair of Committee on Codes and Assemblymember Helene Weinstein, Chair of the Committee on the Judiciary.

Still in draft form, the bill would 1) allow inmates incarcerated for defending themselves against their batterers or for committing violent crimes as a result of the abuse they have endured to be eligible for merit time; 2) allow inmates in this category to be eligible to earn 1/3 merit time off either their flat sentence (if they have a determinate sentence) or their minimum sentence (if they have an indeterminate sentence); 3) expand the criteria by which an inmate can earn merit time.

Status: Senate bill was referred to the Committee on Crime Victims, Crime and Correction on 4/18/05. Assembly bill referred to Committee on Correction on 05/03/2005.